

REMARKS

In the Office action mailed on March 10, 2009, the Examiner rejected claim 1 under 35 U.S.C. § 102(b) as allegedly being anticipated by French reference 2 785 972 (herein after “FR ‘972”). In addition, the Examiner objected to claims 2-10 as being dependent upon a rejected base claim, but noted on page 2 of the Office action that these claims would be allowable if rewritten in independent form.

In view of the following remarks, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection and objection.

The Office action fails to support a prima facie case of unpatentability

The Office action fails to support a prima facie case of unpatentability because the Office action fails to communicate the findings, conclusions, and reasons supporting the rejection under 35 U.S.C. § 102(b). See, MPEP 2106.

The rejection on page 2 of the Office action merely states the following unsupported conclusion: “Regarding claim 1, French reference ‘972 discloses ...”

The ellipsis (...) above is a recitation of Applicants’ claim 1. The Office action fails to provide any reasons supporting this conclusion, such as any indication of a figure or part number in French reference ‘972, which the Examiner believes corresponds one or more of Applicants’ claimed elements.

Applicants respectfully request a clear communication of the reason(s) supporting any further rejection, so that the Applicants can respond with specificity.

In an effort to advance prosecution and so that Applicants may receive a Notice of Allowance, Applicants respectfully submit that FR ‘972 fails to anticipate Applicants’ claim 1 for at least the following reasons.

Rejection of Claim 1 Under 35 U.S.C. § 102(b)

FR ‘972 does not anticipate Applicants’ independent claim 1 because FR ‘972 does not disclose every element claimed by Applicants.

Applicants' claim 1 is directed to a junction structure for connecting two profiles (i.e., a first profile and a second profile). Claim 1 recites in-part that "the first profile at a location of connection has a recess into which the second profile is inserted on a front side such that parallel sides of opposite ends of the first profile limiting the recess rest in a form fit against insides of opposite flanges of the second profile and are connected thereto."

To aid this discussion, Applicants' direct the Examiner's attention to embodiments of the junction structure of claim 1 shown in Figs. 8, 3, and 2 of their application and provided below.

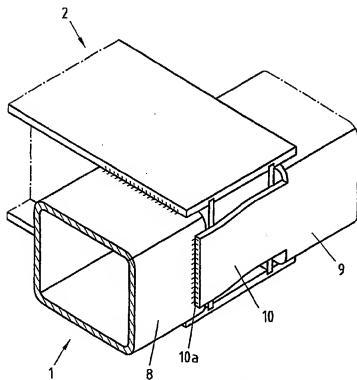


Fig.8

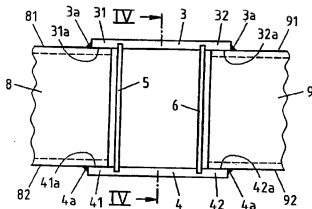


Fig. 3

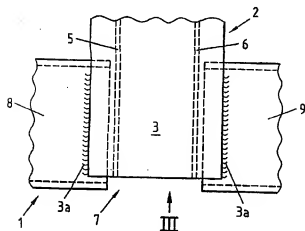
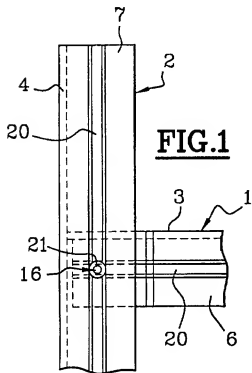


Fig. 2

On page 7 of the application, Applicants state that “into this recess 7 the second profile 2 is inserted in such a manner that the upper and lower surfaces 81, 91, 82, 92 respectively of the profile ends 8, 9 rest in a form fit against the insides 31a, 41a, 32a, 42a of the opposite flanges 31, 41, 32, 42 of the second profile.” Applicants’ claim 1 requires that “parallel sides of opposite ends of the first profile limiting the recess rest in a form fit against *insides* of opposite flanges of the second profile.” As a result, the second profile, which is inserted into the recess of the first profile, needs to include flanges, which are on the outside of the first profile so that the insides (e.g., 31a, 41a, 32a, 42a) of opposite flanges of the second profile can rest in a form fit with the parallel sides (e.g., 81, 91, 82, 92) of opposite ends of the first profile.

FR '972 does not anticipate claim 1, at least because, FR '972 does not teach that "parallel sides of opposite ends of the first profile limiting the recess rest in a form fit against insides of opposite flanges of the second profile." FR '972 is directed to the assembly of equal shaped sections (1, 2) in the form of L or U sections. (See, English Abstract of FR '972). From FIGS. 1 and 2 of FR '972, it is clear that section 1 is inserted into section 2. As a result, in order for FR '972 to anticipate Applicants' claim 1, section 2 of FR '972 would have to have a recess and section 1 of FR '972 would have to have flanges which insides of the flanges are in form fit with the parallel sides of section 2 of FR '972. However, looking at FIG. 2 of FR '972, it is clear that the outside surface (not the insides as claimed by Applicants) of part 6 of section 1 are in contact with the parallel sides (part 7) of section 2. As FR '972 fails to teach at least this element of Applicants' claim 1, Applicants respectfully request reconsideration and the withdrawal of the 35 U.S.C. §102(b) rejection of claim 1.



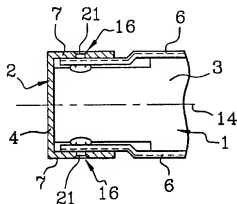


FIG. 2

CONCLUSION

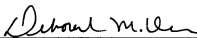
In view of the foregoing, Applicants respectfully submit that the claims 1-10 are in condition for allowance. Applicants request favorable action to allow all pending claims 1-10. The Examiner is welcome to contact Applicant's attorney at the number below with any questions.

The Commissioner is authorized to charge any fees due in connection with this submission to Deposit Account No. 50-3081.

Respectfully submitted,

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